

## PUBLIC HEARING

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held

NOVEMBER 5, 2008

20

The Atwater township Trustees held a public hearing to consider the text amendment of section 5.80 walls, fences and hedges and section 20.20 definition of a yard in the Atwater Township Zoning Code on November 5, 2008 at 6pm at the Atwater Town hall located at 1219 St Rte 183 Atwater Ohio.

## ATTENDING

Those attending the hearing were Cindy Werab, Dan Derreberry, Rebecca Bennett, Martha Bevard, and John Kovacich

## CALL TO ORDER

Fiscal Officer Rebecca Bennett called the hearing to order at 6:00pm. Roll call: Cindy yes, Jim absent, Dan yes.

Fiscal Officer asked if there was anyone who wanted to speak on the proposed text amendment. No one responded.

## SECTION 5.80 FENCES, WALLS AND HEDGES

The old text and the proposed new text from the zoning book were read by Rebecca Bennett:

## OLD

Fences and hedges may be permitted in any front yard, or along the edge of any yard, provided that no fence or hedge along the front edge of any yard shall be over four (4) feet in height. Fences and hedges may be permitted along the side or rear lot lines to a height of not more than six (6) feet above the grade. Vertical surfaces of any fence shall be open to light and air, and shall not be hazardous or disturbing to existing or future neighboring uses. Informal planting may be higher than six (6) feet. Solid walls must conform to all required setback lines for yards. All fences, walls, hedges and landscaped screening shall be maintained in good, structurally sound repair, and in neat, clean, and attractive condition. (Effective March 19, 2001)

## NEW

Fences and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence or hedge shall be over four (4) feet in height above finished grade in the front yard. Fences and hedges may be permitted along the side or rear lot lines to a height of not more than six (6) feet above finished grade. Vertical surfaces of any fence shall be open to light and air, and shall not be hazardous or disturbing to existing or future neighboring uses. Informal plantings may be higher than six (6) feet. Solid walls must conform to all required setback lines for yards. All fences, walls, hedges and landscaping shall be maintained in good structurally sound repair, and in neat, clean, and attractive condition. (Effective immediately)

## RESOLUTION 2008-08

Trustee Cindy Werab moved the adoption of resolution 2008-08.

**Whereas**, on August 5, 2008 the Atwater Zoning Board voted to make proposed text amendment to section 5.80 of the Atwater Zoning Code book, and

**Whereas**, a public hearing was held by the Atwater Zoning Commission on September 2, 2008 regarding proposed text amendment to modify the requirements of section 5.80 Fences, walls and hedges of the Atwater Zoning Code. And

**Whereas**, it deemed necessary to modify the text of section 5.80 walls, fences and hedges of the Atwater Zoning Code.

**Therefore**, it is hereby resolved that the above named section of the Atwater Zoning Code be amended and in effect on November 5, 2008.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014R

## PUBLIC HEARING

Held

20

NOVEMBER 5, 2008

Trustee Dan Derreberry seconded the Motion. Roll call: Cindy yes, Jim absent, Dan yes. Motion carried.

Fiscal officer, Rebecca Bennett read the old text and proposed new text of section 20.20 yards.

## OLD

A yard extending between side lot lines across the front of a lot and from the front line to the front of the principal building. The space between any portion of the building and the rear lot line extending the full width of the lot. Width, side yard, the perpendicular distance between the street right of way line and the nearest portion of any structure existing or to be constructed, where the right of way is not established, the road or street shall be assumed to be sixty (60) feet in residential areas and eighty (80) feet in commercial areas.

## NEW

Yard: any open space located on the same lot with a building unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building. Yard front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building. Yard rear: A space between any portion of the principal building and the rear lot line and extending the full width of the lot. Yard side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Fiscal Officer swore in Martha Bevard from Grate Street in Atwater Township.

Martha asked a question pertaining to the old text portion regarding road and street distances and yards. Cindy Werab reread that portion of the old text.

## RESOLUTION 2008-9

Trustee Cindy Werab moved to adopt resolution 2008-09.

**Whereas**, On August 5, 2008 the Atwater Board voted to propose text amendment to section 20.20 of the Atwater Zoning Code, and

**Whereas**, A public hearing was held on September 2, 2008 by the Atwater Zoning Commission regarding the proposed text amendment to modify section 20.20 definition of a yard, and

**Whereas**, it deemed necessary to modify the text in section 20.20 yards of the Atwater Zoning Code Book.

**Therefore**, It is hereby resolved that the above named section 20.20 yard be amended and in effect November 5, 2008.

Trustee Dan Derreberry seconded the motion. Roll call: Cindy yes, Jim absent, Dan yes. Motion carried.

Motion by Cindy Werab, Second by Dan Derreberry to adjourn. Roll call Cindy yes, Dan yes. Motion carried. (6:18pm)

*Dan Derreberry* *Cindy Werab* *Rebecca Bennett*